

AMENDED IN SENATE JANUARY 26, 2004

**SENATE BILL**

**No. 840**

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**Introduced by Senator Chesbro**  
(Coauthor: Assembly Member Berg)

February 21, 2003

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An act to add Section ~~12749.93~~ 12749.96 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as amended, Chesbro. Flood control: *Middle Creek Ecosystem restoration project*.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize a flood control and habitat restoration project of the Middle Creek Ecosystem in Lake County, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the Reclamation Board. The bill would authorize the Department of Water Resources to pay 50% of the nonfederal capital costs of the habitat restoration, recreation, and fish and wildlife enhancement features of the project. The bill would require the Lake County Flood Control and Water Conservation District to carry out the project and to give prescribed assurances to the Secretary of the Army, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) *The bill would provide that the above-described provisions of the bill will only become operative if the project for flood control and habitat restoration of the Middle Creek Ecosystem in Lake County is adopted and authorized by the Congress of the United States in 2004.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section ~~12749.93~~ 12749.96 is added to the  
2 Water Code, to read:

3 ~~12749.93.~~

4 12749.96. (a) The project for flood control and habitat  
5 restoration of the Middle Creek Ecosystem in Lake County is  
6 adopted and authorized substantially in accordance with the draft  
7 final project modification report of the Chief of Engineers of the  
8 United States Army Corps of Engineers, at an estimated cost to the  
9 state of the sum that may be appropriated for state cooperation by  
10 the Legislature upon the recommendations and advice of the  
11 Reclamation Board. The department may pay 50 percent of the  
12 nonfederal capital costs of the habitat restoration, recreation, and  
13 fish and wildlife enhancement features of the project.

14 (b) The Lake County Flood Control and Water Conservation  
15 District shall give assurances satisfactory to the Secretary of the  
16 Army that the local cooperation required by federal law will be  
17 furnished by the district in connection with the project for flood  
18 control adopted and authorized in subdivision (a).

19 (c) The district, in conjunction with the Department of the  
20 Army, shall carry out the plans and project and may make  
21 modifications and amendments to the plans as may be necessary  
22 to carry out the plans for the purposes of Chapter 1 (commencing  
23 with Section 12570) and this chapter.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district are the result of a program for which legislative authority  
28 was requested by that local agency or school district, within the

1 meaning of Section 17556 of the Government Code and Section  
2 6 of Article XIII B of the California Constitution.

3 *SEC. 3. Sections 1 and 2 of this act shall only become*  
4 *operative if the project for flood control and habitat restoration of*  
5 *the Middle Creek Ecosystem in Lake County is adopted and*  
6 *authorized by the Congress of the United States in 2004.*

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